

ESTTA Tracking number: **ESTTA81933**

Filing date: **05/23/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

|         |   |             |          |
|---------|---|-------------|----------|
| Name    | Soapbox, LLC d/b/a/ Soapbox Consulting LLC                                    |             |          |
| Entity  | Corporation   | Citizenship | Delaware |
| Address | 5225 Wisconsin Avenue, NW, Suite 501<br>Washington, DC 20015<br>UNITED STATES |             |          |

|                      |   |
|----------------------|---|
| Attorney information | Sarah Anne Keefe<br>Womble Carlyle Sandridge & Rice, PLLC<br>PO Box 831<br>Raleigh, NC 27602<br>UNITED STATES<br>skeefe@wcsr.com Phone:919-755-2115 |
|----------------------|---|

### Applicant Information

|                        |  |                        |            |
|------------------------|--|------------------------|------------|
| Application No         | 78542051   | Publication date       | 05/02/2006 |
| Opposition Filing Date | 05/23/2006   | Opposition Period Ends | 06/01/2006 |
| Applicant              | Soapbox Communications, Inc.<br>2128 Westlake Ave.<br>Seattle, WA 98121<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition

|   |
|---|
| Class 035. First Use: 2003/01/01 First Use In Commerce: 2003/01/01<br>All goods and services in the class are opposed, namely: Public relations services to others, namely developing and implementing media relations strategies, developing messages for issue advocacy and marketing, and developing collateral materials related to the foregoing; promoting the special events of others |
| Class 041. First Use: 2003/01/01 First Use In Commerce: 2003/01/01<br>All goods and services in the class are opposed, namely: Special event planning   |

|             |  |
|-------------|--|
| Attachments | SOAPBOX Opposition .pdf ( 4 pages )(118628 bytes ) |
|-------------|--|

|           |                    |
|-----------|--------------------|
| Signature | /Sarah Anne Keefe/ |
| Name      | Sarah Anne Keefe   |
| Date      | 05/23/2006         |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No. 78/542,051  
Filed January 4, 2005  
For the Mark **SOAPBOX COMMUNICATIONS**

|  |   |                |
|--|---|----------------|
| Soapbox, LLC d/b/a Soapbox Consulting LLC, | ) |                |
|  | ) |                |
| Opposer,                                   | ) |                |
|  | ) |                |
| v.   | ) | Opposition No. |
|  | ) |                |
| Soapbox Communications, Inc.,              | ) |                |
|  | ) |                |
| Applicant.                                 | ) |                |

**NOTICE OF OPPOSITION**

Opposer Soapbox, LLC d/b/a Soapbox Consulting LLC, a Delaware corporation located and doing business at 5225 Wisconsin Avenue, NW, Suite 501, Washington D.C. 20015 (“Opposer”), believes that it will be damaged by registration of the mark shown in Serial No. 78/542,051, and hereby opposes the same.

The grounds for opposition are as follows:

1. Applicant Soapbox Communications, Inc. (“Applicant”) filed Application Serial No. 78/542,051 on or about January 4, 2005 to register the mark SOAPBOX COMMUNICATIONS in connection with “Public relations services to others, namely developing and implementing media relations strategies, developing messages for issue advocacy and marketing, and developing collateral materials related to the foregoing; promoting the special events of others”

in International Class 35 and “Special event planning” in International Class 41. (“Applicant's Mark”).

2. Opposer will be damaged by the registration of Applicant's Mark.

3. Opposer is the owner of the following:

(a) United States Service Mark Registration No. 3,027,521, filed July 15, 2004 and registered December 13, 2005, for the mark SOAPBOX CONSULTING & Design in connection with “consultation and lobbying services in the field of grassroots politics” in International Class 35 and “conducting training workshops, seminars and individual training sessions in grassroots politics” in International Class 41; and

(b) United States Service Mark Application No. 78/511,533, filed November 4, 2004, for the mark SOAPBOX CONSULTING in connection with “consultation and lobbying services in the field of grassroots politics” in International Class 35 and “conducting training workshops, seminars and individual training sessions in grassroots politics” in International Class 41

(c) Opposer uses and is known by the trade names SOAPBOX and SOAPBOX CONSULTING.

(d) The marks and trade names referred to in Section 3(a) - 3(c) are hereinafter collectively referred to as “Opposer’s Marks.”

4. Opposer is using Opposer’s Marks in commerce in connection with the services identified in Section 3 above and other related services, specifically including but not limited to news media training and relations services.

5. Opposer’s use of Opposer’s Marks in commerce commenced at least as early as February 1, 1997 and such use has been valid and continuous since its date of first use.

6. Opposer's Marks are valid, distinctive and well-known.
7. Applicant's Mark so resembles Opposer's Marks as to be likely to cause confusion or to cause mistake or to deceive.
8. On information and belief, the services offered by Applicant under Applicant's Mark are the same as or similar to the services offered by Opposer under Opposer's mark and are marketed to the same or the same type of customers.
9. On information and belief, Applicant's use of Applicant's Mark has caused actual confusion.
10. Applicant's Mark dilutes the distinctive quality of Opposer's Marks.
11. At the time Applicant filed its application to register Applicant's Mark, Applicant was aware of and had actual knowledge of the existence of Opposer, Opposer's Marks and Opposer's use of Opposer's Marks.

WHEREFORE, Opposer prays that said application Serial No. 78/524,051 be rejected, that no registration be issued, and that this Opposition be sustained in favor of Opposer.

This the 23 of May, 2006.

Respectfully submitted,

  
Sarah Anne Keefe  
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Attorneys for Opposer

**CERTIFICATE OF FILING**


I do hereby certify that on May 23, 2006, I filed via electronic means (ESTTA) this

NOTICE OF OPPOSITION with the:

U. S. Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

With a courtesy copy to Applicant's counsel via First Class Mail to:

Robert C. Cumbow, Esq.  
Graham & Dunn PC  
2801 Alaskan Way, Suite 300 – Pier 70  
Seattle, Washington 98121-1128

  
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Amy L. Thompson, Senior Paralegal